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10/627,619	07/28/2003	William Grant Grovenburg	10030630-1	4323

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EXAMINER	
YUEN, KAN	
ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/627,619	GROVENBURG, WILLIAM GRANT	
	Examiner	Art Unit	
	KAN YUEN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Response to Arguments

1. Applicant's arguments, see remark, filed 2/5/2008, with respect to the rejection(s) of claim(s) 1-18 under 102 (e) and 103 rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bearden et al. (Pub No.: 2004/0062204), and Sarkar et al. (Pat No.: 7173911).

Claim Rejections - 35 USC § 103

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,2, 4,5, 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden et al. (Pub No.: 2004/0062204), in view of Baum (Pub No.: 2003/0200311).

For claim 1, Bearden et al. disclosed the method of communicating between a network troubleshooting center (NTC) **(fig. 1, server 104)** and network analyzers (NAs) **(fig. 1, endpoints 102-n)** monitoring respectively corresponding communication lines through which Voice over Internet Protocol (VoIP) data streams are transmitted, to provide quality of service statistics for data streams transmitted through the communication lines and associated with a respective telephone call **(Bearden et al. see paragraph 0032).** In the test mode, the endpoint devices respond to commands from the testing server 104 to participate in test calls for the purpose of VoIP monitoring and analysis in system 100 shown in fig. 1. For example, under control of the testing server 104, a given one of the telephony endpoint 102 may synthesize or monitor a call, measure QoS parameters such as jitter, loss and delay associated with the call, and report the results back to the testing server 104. However, Bearden et al. silent on monitoring a respective telephone call. Baum from the same or similar fields of endeavor teaches the method of monitoring a respective telephone call **(Baum see paragraph 0126, lines 1-14).** In the reference the unit 536 sends a request to edge routers and unit 534 to gather data stream information relative to the telephone number, wherein the request includes IP address corresponding to the phone number of the device to be monitored. Thus, it would have been obvious to use the respective telephone call as the input command taught by Bearden et al. Thus, the motivation for using the method as taught by Baum in the network of Bearden et al. being that it provides accuracy in the monitoring system.

Regarding claim 2, Baum disclosed the method of transmitting information indicating a respective telephone number from the NTC to the Nas and, after receiving the transmitted information, collecting quality of service data by the NAs for data streams associated with a telephone call having the telephone number as a source or destination and transmitted through the communication lines, and providing quality of service information by the NAs to the NTC based on the collected quality of service data **(Baum see paragraph 0070, paragraph 0126, and see fig. 5. boxes 516, 518, 532, 536, and 560).** As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC.

Regarding claims 4, 5, Bearden et al. disclosed the method of the telephone call is based on Session Initialization Protocol (SIP) **(Bearden et al. paragraph 0043).**

Regarding claim 9, Bearden et al. disclosed the method of network analyzers monitoring respectively corresponding communication lines through which Voice over Internet Protocol (VoIP) data streams are transmitted; and a network troubleshooting center (NTC) **(fig. 1, server 104)** communicating with the network analyzers (NAs) **(fig. 1, endpoints 102-n)** to provide quality of service statistics for data streams transmitted through the communication lines and associated with a respective telephone call **(Bearden et al. see paragraph 0032).** In the test mode, the endpoint devices respond to commands from the testing server 104 to participate in test calls for the purpose of VoIP monitoring and analysis in system 100 shown in fig. 1. For example, under control

of the testing server 104, a given one of the telephony endpoint 102 may synthesize or monitor a call, measure QoS parameters such as jitter, loss and delay associated with the call, and report the results back to the testing server 104. However, Bearden et al. did not disclose the method of monitoring a respective telephone call **(Baum see paragraph 0126, lines 1-14).** In the reference the unit 536 sends a request to edge routers and unit 534 to gather data stream information relative to the telephone number, wherein the request includes IP address corresponding to the phone number of the device to be monitored. Baum from the same or similar fields of endeavor teaches the method of monitoring a respective telephone call **(Baum see paragraph 0126, lines 1-14).** In the reference the unit 536 sends a request to edge routers and unit 534 to gather data stream information relative to the telephone number, wherein the request includes IP address corresponding to the phone number of the device to be monitored. Thus, it would have been obvious to use the respective telephone call as the input command taught by Bearden et al. Thus, the motivation for using the method as taught by Baum in the network of Bearden et al. being that it provides accuracy in the monitoring system.

Regarding claim 10, Baum disclosed the method of the NTC transmits information indicating a respective telephone number to the Nas **(Baum see paragraph 0070, lines 1-8, and see fig. 5. boxes 516, 518, 532, 536, and 560).** As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC; and, after receiving the transmitted information, the NAs collect

quality of service data for data streams associated with a telephone call having the telephone number as a source or destination **(Baum see 0127, lines 1-8).** The edge router collects the data such as physical location customer name and port number information of the respective telephone number, and transmits the data back to 536; and transmitted through the communication lines, and provide quality of service information to the NTC based on the collected quality of service data **(Baum see paragraph 0128, lines 1-8, see paragraph 0129, lines 1-6, see paragraph 0131, lines 1-20).** As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the data such as physical location, customer name.

Regarding claim 11, Baum disclosed the method of the NTC transmits information indicating a respective telephone number to the NAs **(Baum see paragraph 0070, lines 1-8, and see fig. 5. boxes 516, 518, 532, 536, and 560).** As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC; after receipt of the transmitted information, each NA monitors call control information on the corresponding communication line in accordance with the received information to try to identify a data stream associated with a telephone call having the telephone number as a source or destination **(Baum see paragraph 0126, lines 1-14).** In the reference the unit 536 sends a request to edge routers and unit 534

to gather data stream information relative to the telephone number. The data stream information about the particular telephone number can be customer name, physical location, edge router, and port number information; a first NA of the NAs to identify a data stream transmits identifying information of the identified data stream to the NTC **(Baum see 0127, lines 1-8).** The edge router collects the data such as physical location customer name and port number information of the respective telephone number, and transmits the data back to 536; and after receipt of the transmitted identifying information, the NTC communicates with the NAs so that each NA has the identifying information, collects quality of service data for data streams associated with the telephone call and transmitted through the communication lines, and provides quality of service information to the NTC based on the collected quality of service data **(Baum see paragraph 0128, lines 1-8, see paragraph 0129, lines 1-6, see paragraph 0131, lines 1-20).** As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the data such as physical location, customer name.

Regarding claims 12-14, 16, Bearden et al. disclosed the method of the telephone call is based on Session Initialization Protocol (SIP) **(Bearden et al. paragraph 0043).**

Claim 15 is rejected similar to claim 9.

5. Claims 3, 6-8, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden et al. (Pub No.: 2004/0062204), in view of Baum (Pub No.: 2003/0200311), as applied to claim 1 above, and further in view of Sarkar et al. (Pat No.: 7173911).

Regarding claim 3, Baum disclosed the method of transmitting information indicating a respective telephone number from the NTC to the Nas **(Baum paragraph 0126);** after receipt of the transmitted information, monitoring call control information by each NA on the corresponding communication line in accordance with the received information to try to identify a data stream associated with a telephone call having the telephone number as a source or destination **(Baum see paragraph 0070, paragraph 0126, and see fig. 5. boxes 516, 518, 532, 536, and 560).** As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number; transmitting, by a first NA of the NAs to identify a data stream, identifying information of the identified data stream to the NTC **(Baum see 0127, lines 1-8).** The edge router collects the quality of service data such as physical location customer name and port number information of the respective telephone number, and transmits the data back to 536.

However, both Bearden et al. and Baum silent on the method of after receipt of the transmitted identifying information, communicating between the NTC and the NAs so that each NA has the identifying information, collects quality of service data for data streams associated with the telephone call and transmitted through the communication

lines, and provides quality of service information to the NTC based on the collected quality of service data. Sarkar et al. from the same or similar fields of endeavor teaches the method of communicating between the NTC and the NAs so that each NA has the identifying information, collects quality of service data for data streams associated with the telephone call and transmitted through the communication lines, and provides quality of service information to the NTC based on the collected quality of service data **(Sarkar et al. column 3, lines 52-67, and column 4, lines 1-20).** Control information identifying poor quality streams may be transmitted between routers (monitors) 24 and 26 and other devices. Thus, core routers and edge routers can communicate the information identifying the quality of a communication. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Sarkar et al. in the network of Bearden et al. and Baum. The motivation for using the method being that it reduces systems resources.

Regarding claim 6, Bearden et al. disclosed the method of the telephone call is based on Session Initialization Protocol (SIP) **(Bearden et al. paragraph 0043).**

Regarding claim 7, Bearden et al. disclosed the method of transmitting information indicating a respective telephone number from a network troubleshooting center (NTC) **(fig. 1, server 104)** monitoring respectively corresponding communication lines through which Voice over Internet Protocol (VoIP) data streams are transmitted **(Bearden et al. see paragraph 0032).** In the test mode, the endpoint devices respond to commands from the testing server 104 to participate in test calls for the purpose of VoIP monitoring and analysis in system 100 shown in fig. 1. For example, under control

of the testing server 104, a given one of the telephony endpoint 102 may synthesize or monitor a call, measure QoS parameters such as jitter, loss and delay associated with the call, and report the results back to the testing server 104; after receipt of the transmitted information, monitoring call control information by each NA on the corresponding communication line in accordance with the received information to try to identify a data stream associated with a telephone call having the telephone number as a source or destination **(Bearden et al. paragraph 0053).** Upon receiving test commands, given endpoint devices starts monitoring based on the commands, and collect and report QoS measurements back to the server; transmitting, by a first NA of the NAs to identify a data stream, identifying information of the identified data stream to the NTC **(Bearden et al. paragraph 0053).** Upon receiving test commands, given endpoint devices starts monitoring based on the commands, and collect and report QoS measurements back to the server.

However, Bearden et al. did not disclose the method of transmitting information indicating a respective telephone number; after receipt of the transmitted identifying information, transmitting a message from the NTC to the NAs to cause the NAs to stop trying to identify a data stream associated with the telephone call, and providing the identifying information to the Nas; and, after receipt of the message from the NTC, and in accordance with the identifying information provided by the received message, collecting quality of service data by the NAs for data streams associated with the telephone call and transmitted through the communication lines, and providing quality of

service information by the NAs to the NTC based on the collected quality of service data.

Sarkar et al. from the same or similar fields of endeavor teaches the method of after receipt of the transmitted identifying information, transmitting a message from the NTC to the NAs to cause the NAs to stop trying to identify a data stream associated with the telephone call, and providing the identifying information to the Nas **(Sarkar et al. column 3, lines 52-67, and column 4, lines 1-20).** Control information identifying poor quality streams may be transmitted between routers (monitors) 24 and 26 and other devices. Thus, core routers and edge routers can communicate the information identifying the quality of a communication.

Baum from the same or similar fields of endeavor teaches the method of transmitting a respective telephone call **(Baum see paragraph 0126, lines 1-14).** In the reference the unit 536 sends a request to edge routers and unit 534 to gather data stream information relative to the telephone number, wherein the request includes IP address corresponding to the phone number of the device to be monitored; after receipt of the message from the NTC, and in accordance with the identifying information provided by the received message, collecting quality of service data by the NAs for data streams associated with the telephone call and transmitted through the communication lines, and providing quality of service information by the NAs to the NTC based on the collected quality of service data **(Baum see paragraph 0128, lines 1-8, paragraph 0129, lines 1-6, paragraph 0131, lines 1-20).** As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address

corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the data such as physical location, customer name. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Baum and Sarkar et al. in the network of Bearden et al. The motivation for using the method as taught by Baum and Sarkar et al. in the network of Bearden et al. being that it reduces system resources.

Regarding claim 8 and 18, Bearden et al. disclosed the method of the telephone call is based on Session Initialization Protocol (SIP) **(Bearden et al. paragraph 0043).**

Claim 17 is rejected similar to claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAN YUEN whose telephone number is (571)270-1413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit 2616

KY